



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (e) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/809,930	03/26/2004	Diane E. Sutter	07767-201502

26694

VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP  
 P.O. BOX 34385  
 WASHINGTON, DC 20043-9998

CONFIRMATION NO. 6432

## FORMALITIES LETTER

\*OC000000012884975\*

Date Mailed: 06/07/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b) 09/08/2004 HROCHA1 00000092 021666 10809930

01 FC:1001	770.00 DA
02 FC:1202	540.00 DA
03 FC:1051	130.00 DA

*Filing Date Granted*

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been omitted from the application:

- Figure(s) 3B described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date must be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$540 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$1440 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$540
  - \$540 for 30 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

*Fully wot=*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.  
P-6029

In Re Application Of: Diane E. Sutter et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/809,930	March 26, 2004	To be assigned	26253	To be assigned	6432

Invention: Use of Benzyl Alcohol, And Other Phenolic Preservatives To Reduce Pain During Intradermal Injection

TO THE COMMISSIONER FOR PATENTS:
Mail Stop Missing Parts
☒ Completion of application fees as calculated below:

☒ Utility application filing fee

\$770.00

☐ Design application filing fee

☒ Total number of independent claims = 3

☒ Total number of claims = 50

\$540.00

☐ Multiple dependent claims

☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath

\$130.00

☐ Petition and fee for filing by other than all the inventors or a person not the inventor

☐ Fee for processing an application filed with a non-English language specification

☐ Fee for processing and retention of application

Total completion of application fees \$1,440.00

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☒ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: August 7, 2004  
Date

until: September 7, 2004  
Date

Total time extension fees \$110.00

Total fees due \$1,550.00


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 live healthy lives

# Fax

Attention: Missing Parts  
 To: United States Patent and Trademark Office  
 Fax number: (703) 746-4060  
 From: Robert E. West  
 Date: September 7, 2004

Number of Pages (including this cover): 17

If you do not receive all of the pages, please call: Lorraine Kowalchuk 201- 847-6455

Applicant(s):	Diane E. Sutter et al.	Atty. Docket No.:	P-6029
Serial No.:	10/809,930	Group Art Unit:	To be assigned
Filed:	March 26, 2004	Examiner:	To be assigned
For:	Use of Benzyl Alcohol, And Other Phenolic Preservatives To Reduce Pain During Intradermal Injection		

The following documents are attached to this facsimile:

1. Copy of Notice to File Missing Parts of Provisional Application mailed on June 7, 2004
2. Response To Notice To File Missing Parties of Application mailed on June 7, 2004, including Petition For Extension of Time Under 37 CFR 1.136(a)
3. Fully executed Declaration and Power of Attorney (4 pages)
4. Power of Attorney By Assignee Of Entire Interest and Change of Correspondence Address

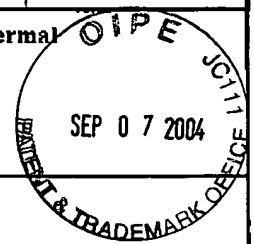
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If you do not receive all of the pages, please call as soon as possible, via direct fax line indicated above or by telephone to the sender indicated above.

Becton, Dickinson and Company

<b>Response To Notice To File Missing Parts Of Application Filing Date Granted (PTO-1533)(Large Entity)</b>					Docket No. P-6029	
In Re Application Of: Diane E. Sutter et al.						
Application No. 10/809,930	Filing Date March 26, 2004	Examiner To be assigned	Customer No. 26253	Group Art Unit To be assigned	Confirmation No. 6432	
Invention: Use of Benzyl Alcohol, And Other Phenolic Preservatives To Reduce Pain During Intradermal Injection						
<u>Mail Stop Missing Parts</u> <b>COMMISSIONER FOR PATENTS:</b>						
<p>This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on <u>June 7, 2004</u>.</p> <p style="text-align: center;"><i>Date</i></p> <p>Enclosed herewith for filing are the following:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). <b>(REQUIRED)</b></li> <li><input type="checkbox"/> An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.</li> <li><input checked="" type="checkbox"/> A properly signed oath or declaration in compliance with 37 CFR 1.63.</li> <li><input type="checkbox"/> An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.</li> <li><input type="checkbox"/> A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.</li> <li><input type="checkbox"/> Other (list):</li> </ul>						



09/08/2004 NROCHA1 00000092 021666 10809930

04 FC:1251 110.00 DA

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Large Entity)**Docket No.  
P-6029

In Re Application Of: Diane E. Sutter et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/809,930	March 26, 2004	To be assigned	26253	To be assigned	6432

Invention: Use of Benzyl Alcohol, And Other Phenolic Preservatives To Reduce Pain During Intradermal Injection

TO THE COMMISSIONER FOR PATENTS:Mail Stop Missing Parts

The fee of \$1,550.00 is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 02-1666
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 02-1666
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Signature

Robert E. West, Registration No. 48,030  
Becton, Dickinson and Company  
1 Becton Drive, MC 110  
Franklin Lakes, NJ 07417-1880

Customer Number: 26253

Dated: September 7, 2004

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING TRANSMITTED VIA FACSIMILE TRANSMISSION  
TO (703) 746-4060 ON: September 7, 2004

BY: LORRAINE T. KOWALCHUK

  
[Signature]9/7/04  
[Date]

cc: